IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

R.P. (FC).No. 77 of 2007(E)

MC.66/2004 of FAMILY COURT , THIRUVALLA
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REVISION PETITIONER/COUNTER PETITIONER IN MC66/04

SIVAPUTHRAN PILLAI,SIVALAYAM VEEDU,
THUVAYOOR NORTH MURI,ERATHU VILLAGE,MANKKALA P.O.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: RESPONDENTS/PETITIONERS
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1. JAGADAMMA, ALIKKILETHU KIZHAKKATHIL VEEDU, VAYALIL PADINJARUMURI,THEKKEKARA VILLAGE, PANDALAM.

2. SREESIDHI (MONOR, REP.BY THE IST RESPONDENT, THE MOTHER), -DO -DO-

3. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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R.P. (F.C) NO. 77 OF 2007

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Dated this the 21st day of February 2007

O R D E R

The revision petitioner has sought for setting aside the order in the M.C. No. 66/2004 in which he was the counter petitioner. The Family Court enhanced the maintenance to Rs.800/- to the 1st petitioner and Rs.700/- to the 2nd petitioner. The revision petitioner stood exparte in the proceedings. His case is that he is a person of ill health and cannot manage to make the payment.

2. In the circumstances, the revision petitioner is permitted to apply before the court below to get the exparte order set aside and permit him to adduce evidence in the matter. The court below shall consider the application on merits on the petitioner depositing the entire arrears due. The revision petitioner is granted one month time from today onwards to make the deposit. NBW if pending shall be kept in abeyance for one month.

The R.P.(F.C) is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV